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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Common interests of parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by United States of America

1. The Treaty on the Non-Proliferation of Nuclear Weapons was opened for signature on 1 July 1968 and entered into force on 5 March 1970. The fiftieth anniversaries of these milestones take place during the five-year cycle leading to the tenth Review Conference of the Parties to the Treaty, to be held in 2020. These anniversaries provide an opportunity for all parties to the Treaty to reflect on the benefits they have derived from the Treaty over nearly half a century, and how they can work together to sustain and expand those benefits over coming years and decades.

2. The core provisions of the Treaty are those that deal with non-proliferation (articles I-III), peaceful uses of nuclear energy (article IV) and disarmament (article VI). These are sometimes mistakenly portrayed as competing interests, and the "bargain" of the Treaty as a collection of trade-offs among these supposedly competing interests. Such descriptions are oversimplified and misleading, and fundamentally misrepresent the structure and benefits of the Treaty. In fact, these elements are not in tension, and represent shared interests of all parties to the Treaty.

- All parties to the Treaty — nuclear-weapon States and non-nuclear-weapon States alike — benefit from a strong nuclear non-proliferation regime. This includes the direct security benefit of knowing, and having international safeguards in place to verify, that their neighbours or rivals do not have, and cannot readily acquire, nuclear weapons. These mutual undertakings against the further spread of nuclear weapons depend on the undertaking by nuclear-weapon States not to help that spread.
- These security undertakings at the heart of the Treaty benefit all parties thereto, and have made possible the Treaty's many contributions to international peace, security and development. Fundamentally, as its name suggests, the Treaty on the Non-Proliferation of Nuclear Weapons is a treaty about non-proliferation. Neither meaningful international nuclear cooperation nor disarmament could succeed in the absence of strong non-proliferation

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guarantees to ensure against the misuse of nuclear technology for weapons purposes; non-proliferation is the sine qua non for the Treaty's other elements.

- The maintenance of a strong non-proliferation regime benefits non-nuclear-weapon States, and indeed all parties to the Treaty, by facilitating sharing of the benefits of peaceful uses of nuclear energy. All parties to the Treaty benefit from the peaceful uses of nuclear energy, science and technology in helping meet sustainable development needs in areas as diverse as energy, health, agriculture, industry and natural resource management. Parties to the Treaty have a strong non-proliferation regime to thank for these benefits, because non-proliferation assurances facilitate nuclear-related cooperation by providing confidence that cooperation in these areas will not be misused or diverted.

- The maintenance of a strong non-proliferation regime also benefits non-nuclear-weapon States, and indeed all parties, by helping create conditions that might permit nuclear disarmament. Any further proliferation of nuclear weapons would sharply reduce the prospects for disarmament, and would increase the risks of nuclear war, the likelihood of nuclear escalation, miscalculation or accident, and the chances that non-State actors such as international terrorists might themselves acquire nuclear weapons. The non-proliferation regime is thus essential to reducing nuclear risks and enhancing stability. Disarmament would be unimaginable without strong non-proliferation guarantees.

3. The record in advancing these shared interests and goals over the past 50 years is impressive. In 1963, President John F. Kennedy warned of the prospect that as many as 25 countries might be on the path to acquiring nuclear weapons by the end of the 1970s alone. At various times, in fact, States in every region of the world have considered developing nuclear weapons. Such widespread proliferation would have greatly increased the risk that regional conflict could escalate to nuclear war, and would have greatly increased the risks of an accident or terrorist acquisition of such weapons. Yet this cascade of proliferation has not happened.

4. Instead, global non-proliferation efforts based on the Treaty have limited the number of States that possess nuclear weapons, a number that remains fewer than 10 — an extraordinarily small increase beyond the five nuclear-weapon States recognized in accordance with article IX.3 of the Treaty. Adherence to the Treaty has also become nearly universal. Almost all States have become parties to the Treaty, including many that once had nuclear weapons, or programmes and ambitions to develop nuclear weapons. Several cases of non-compliance with the Treaty and International Atomic Energy Agency (IAEA) safeguards obligations have been resolved, although others remain unresolved. In response to these challenges, parties to the Treaty have put in place measures to strengthen IAEA safeguards, to update export control guidelines and to address other gaps in the non-proliferation regime. While the record is not perfect, and the Treaty is under stress today from unresolved proliferation challenges, the benefits of the global non-proliferation regime for international peace, security and development are undeniable, and the Treaty has proven to be indispensable in achieving them.

5. There has also been great progress in expanding the peaceful uses of nuclear energy over these 50 years. The membership of the IAEA has expanded to 168 countries, most of which are benefiting from its programmes to diagnose and fight diseases, develop new crops, manage scarce water resources and broadly apply nuclear science and technology to meet Sustainable Development Goals. The United States of America has contributed over $276 million since 2010 to IAEA programmes in these areas. Nuclear commerce is also thriving, with nearly 450

nuclear power reactors in operation providing over 390 gigawatts of clean, baseline electric capacity worldwide. And the commercial market for nuclear fuel, which remains highly reliable, is now backed up by several new and emerging fuel reserve and fuel assurance mechanisms through the IAEA, as well as the American assured fuel supply, currently operating in the United States. These assurance mechanisms would be available in the event of a serious disruption in market supply. Collective efforts to uphold and strengthen the global nuclear non-proliferation regime have helped build confidence between recipients and suppliers that is necessary for such commerce to thrive. Nuclear safety and security measures, overseen by an independent regulatory authority, along with international instruments that define a common legal framework, are also essential factors that enable peaceful nuclear cooperation to thrive. The United States has provided extensive assistance, bilaterally and multilaterally, to help develop standards and guidance and build national infrastructures, including approximately $124 million to IAEA programmes in nuclear safety and security since 2010.

6. Similarly, there has been remarkable progress in reducing nuclear risks and on effective measures relating to cessation of the nuclear arms race and to nuclear disarmament. The cold war nuclear arms race ended decades ago. United States nuclear stockpiles have fallen by over 85 per cent from their peak during the cold war, and, under the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, the number of operationally deployed strategic warheads will fall to levels not seen since the 1950s. The United States has removed hundreds of tons of fissile material from weapons programmes and worked closely with the Russian Federation on the security and disposition of its excess fissile material.

7. This is not to say that there are no problems, of course, since some States are acting in ways that make further progress in controlling arms race behaviour and reducing nuclear-weapon risks more difficult. As recognized in the preamble of the Treaty — which ties disarmament to the lessening of international tension and the strengthening of trust among States — hopes for further reductions in nuclear risks depend in crucial ways not just upon the maintenance of strong non-proliferation guarantees, but also upon how the international community handles the various security challenges that confront its members. If the international community cannot effectively respond to regional aggression, ensure compliance with existing arms control and disarmament obligations, and manage or resolve inter-State rivalries and competition, further negotiated reductions will be more difficult. Those countries that are increasing their nuclear stockpiles, pursuing destabilizing strategic systems, violating their non-proliferation and disarmament obligations or taking other actions that increase international tensions and instability are making it increasingly difficult to build and sustain the security conditions that might make further disarmament possible.

8. On the whole, however, the Treaty's record is an impressive one, demonstrating how essential the global non-proliferation regime is to international peace, security and development. This long record of progress on all areas of the implementation of the Treaty was achieved only through a consensus-based process that respects the interests of all parties to the Treaty. Consensus-based deliberations are essential for States to be willing to address issues that affect their core interests. Consensus-based decision-making is also well suited to the subject matter of the Treaty, where there are so many common, overlapping and interrelated interests. Consensus has yielded far more successes over the past 50 years than disappointments and can do so again. Criticisms of consensus often emphasize the polarized disputes that have sometimes prevented agreement, but abandoning consensus will only increase that polarization.

9. The United States stands ready to work with other parties to the Treaty to ensure that the upcoming Review Conference in 2020 puts us on a constructive path that yields progress in advancing our common interests. Such a path would focus on practical responses to real-world problems, such as the threat to international peace and security from the proscribed nuclear programme of the Democratic People's Republic of Korea, rather than on proposals that ignore such real-world conditions, ignore proliferation challenges or excuse or enable proliferation. The best way to achieve the Treaty's promise is not to abandon consensus but to embrace it, to reject the false divisions that misrepresent the provisions of the Treaty as competing interests, and to focus instead on the broad areas of common interest that should unite all parties to the Treaty.